

National University of Ireland, Maynooth

From the Selected Works of Seth Barrett Tillman

March 15, 2012

Extract from Rotunda & Nowak, Treatise on Constitutional Law (4th ed. Supp. 2012), citing Tillman's book review of Tara Ross's *Enlightened Democracy*

Seth Barrett Tillman

2 RONALD D. ROTUNDA & JOHN E. NOWAK, TREATISE ON CONSTITUTIONAL LAW: SUBSTANCE AND PROCEDURE § 9.11(b) (4th ed. Supp. 2012).

n.8: “See Tara Ross, *Enlightened Democracy: The Case for the Electoral College* 29 & 135 (2004), (arguing that the House of Representatives should pass rules in advance of the occurrence of the contingency where the House votes to choose the President).

- In contrast, Seth Barrett Tillman, *Betwixt Principle and Practice: Tara Ross's Defense of the Electoral College*, 1 N.Y.U. J.L. & Liberty 922, 924 & n.6 (2005), reviewing this book argues that that the House cannot bind itself in advance with rules giving binding force in a House contingency election for President, although the Senate might be able to do so for the purpose of a Senate contingency election for Vice President, because the Senate is (arguably) a continuing body.”